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UNITED STATES DEPARTMENT OF AGRICULTURE
RESETTLEMENT ADMINISTRATION
Land Utilization Division
Land Use Planning Section

BULLETIN OF FEDERAL AND STATE LEGISLATION AFFECTING LAND USE

No. 3
Week Ending February 25, 1937.

(Primarily for the information of Land Use Planning personnel of the Resettlement Administration and collaborating offices and agencies).

I. FEDERAL LEGISLATION

BANKING AND CURRENCY

H. R. 4717. Mr. Harrington.

To authorize the appropriation of 20 million dollars to enable the Federal Surplus Commodities Corporation to divert surplus livestock feeds by acquiring them for distribution through Federal (including Resettlement Administration), State and private relief agencies in counties designated by the Department of Agriculture as areas of primary drought.

To Committee on Agriculture February 12.

FLOOD CONTROL

H. R. 4639. Mr. Steamall.

To authorize the R. F. C. to create a Disaster Loan Corporation for the purpose of lending money for rehabilitation from floods and other catastrophies in 1937.

To Committee on Banking and Currency February 11.

FORESTRY

H. R. 4738. Mr. Dorey.

S. 1504. Mr. Norris.

To authorize the Secretary of Agriculture, in cooperation with Land-Grant Colleges and State Forestry Agencies, to produce or procure and distribute forest trees and shrub planting stock; to make necessary investigations; to advise farmers regarding establishment, production and management of farm-forests; to enter into cooperative agreements for the establishment, production and care of farm-forests. There is authorized a five million dollar appropriation.

To Committee on Agriculture February 15.

HYDRO-ELECTRIC DEVELOPMENT

H. R. 4549. Mr. Gehrmann.

To create the Saint Croix Valley Authority similar to the
T. V. A.

To Committee on Flood Control February 9.

H. R. 4811. Mr. Citron.

To create the Connecticut Valley Authority for the purpose of developing and administering public works in the watershed of the Connecticut River and its tributaries; to facilitate co-ordination between Federal, State and local agencies, and the cooperation in interstate compacts between any of the states of Maine, New Hampshire, Vermont, Massachusetts and Connecticut. There is created an advisory body composed of the persons selected by the Governors of these states to consist of ten members and appointed by the President. The function of the Authority is to be similar to the T. V. A. in the development of water power, navigation, flood control, reforestation, prevention of soil erosion, elimination of pollution, and recreation areas.

To Committee on Flood Control February 16.

INTERSTATE COMPACTS

S. 1570. Mr. Frazier.

To grant the consent of Congress for the States of Minnesota, South Dakota, and North Dakota to enter into a compact with respect to the control, utilization and prevention of pollution of the waters of the Red River within the three states. (See North Dakota S. B. 180, Bulletin 7, page 6).

To Committee on Commerce February 15.

TENANCY

H. R. 4723. Mr. Binderup.

To authorize the Land Bank Commission under the Emergency Farm Mortgage Act of 1933 to purchase, where feasible, real property foreclosed on second mortgages made under Section 32 of the Act; to purchase real property necessary to protect second mortgages so made; to partition the properties acquired into smaller farms, when practicable, and the Land Bank Commission is authorized to sell the properties so acquired to tenant-farmers at the price of acquisition by the Commissioner. The contracts of sale to the tenants shall not be for a longer period than 20 years.

To Committee on Agriculture February 15.

TENNESSEE VALLEY AUTHORITY

S. 1509. Mr. McKellar.

To extend the provisions of the T. V. A. Act to the Cumberland River and its tributaries.

To Committee on Commerce February 15.

II. STATE LEGISLATION

(Includes only outstanding proposals likely to be of interest to Legislatures other than the one in which the bill is introduced.)

AGRICULTURE

California. H. B. 2212. Mr. Cronin.

To create the Homestead Rehabilitation Commission to rehabilitate agricultural homesteads, redeem arid and marsh lands, provide homes, colonize vacant lands, promote soil and forest conservation.

To Committee on Agriculture January 22.

North Dakota. S. B. 187. Committee on Agriculture.

To establish Farm and Rural Home Advisory Councils in counties whose function shall be conducting Agricultural Home Economics and 4-H Club programs. The Councils shall assemble facts on farm and rural home problems upon which to develop such programs. The Extension Agent is to be appointed by the Council on recommendation of the Agricultural Extension Service to carry out the programs.

To Committee on Agriculture February 8.

DRAINAGE

Oregon. S. B. 22. Mr. McKay.

To authorize the Boards of County Commissioners to make agreements with the Federal Government necessary to meet the conditions in the construction of flood control projects.

Introduced February 9.

GOVERNMENT ORGANIZATION

Arizona. S. B. 77. Mr. Kelly.

To reorganize certain departments of the State Government. The Departments of Finance, Revenue, Corporations, Public Relations, and Public Utilities are the only ones covered by the Bill. The Bill seeks to transfer certain duties and functions from one department to another to simplify procedure and coordinate functions.

Introduced February 2.

New Jersey. S. B. 69. Mr. Cleo.

To reorganize the administrative departments of the government. There are proposed 16 departments including, among others, an Executive Department, Department of Agriculture, Department of Natural Resources, Department of Fish and Game Preservation.

In the Executive Department the Governor is to be head and it shall include the executive office of the Governor and Divisions of Planning, Alcoholic Beverage Control, State Police, Military and Naval Affairs and Records. In the Division of Planning a State Planning Board is to be the head and the existing board is to function in this capacity, but the law defining its powers and duties is clarified. In the Department of Natural Resources there is to be a Commissioner as head at all the powers and duties of the Department of Conservation and Development, the Board of Commerce and Navigation, the Board of Shell

Fisheries, Water Policy Commission, the Port Raritan Commission, the Passaic Valley Flood Control Commission, and the Department of Aviation are transferred to the Department of Natural Resources and the above named agencies are abolished. Within the Department of Natural Resources there is to be a State Board of Conservation consisting of the Commissioner of Natural Resources and six others appointed by the Governor, with the power of granting permits for the development of water resources and it shall sanction the disposal or rental of property of the State coming under the jurisdiction of the Department. Any rule or order of the Commissioner may be appealed to the Board of Review. The existing Department of Agriculture is to be reorganized and include the Department of Weights and Measures. The Commissioner of Agriculture is to be head of the department and the existing State Board of Agriculture shall continue as now constituted but shall have only recommendatory power concerning the policies of the department.

To Committee on Economy and Reorganization February 8.

Oklahoma. S. B. 207. Messrs. Church, Hearne and Rorschach.

To create a State Park Commission to administer all State Parks and make improvements theron. A Department is created with the Commission as head who shall appoint an Executive Director.

Introduced February 9.

Tennessee. H. B. 275. Mr. Haynes.

To reorganize the administrative and executive departments and agencies of the State Government. Each department is to be under the supervision of a Commissioner. The Department of Agriculture is to continue to exercise all the rights, powers, and duties now vested in it except the functions regarding forestry which are transferred to the Department of Conservation. The Department of Conservation is to exercise all its present rights, powers, and duties for the conservation of game, fish, and wildlife, and in addition, to exercise the functions of the Division of Forestry which is transferred from the Department of Agriculture. The Division of Geology is to be transferred from the Department of Education to the Department of Conservation, the State Park and Forest Commission is abolished and its powers and duties are transferred to the Department of Conservation. The Governor may appoint an advisory committee on conservation of six persons to advise the Commissioner of Conservation on the work of the department and to make suggestions for the development of conservation projects.

Approved February 1.

Wyoming. S. B. 31. Mr. Raymond.

To create a State Parks Commission to establish State Parks, recreational camps and parkways.

To Committee No. 5 February 10.

GRAZING

Montana. H. R. 100. Livestock and Public Range Committee.

This Bill is a complete revision of the Montana grazing laws, Chapters 194 and 195, Laws of 1935. The purpose of the revision is to formulate existing practices of the State Grazing Commission and of the Associations into Statutes. Some of the more important features are that: The Commissions and the Districts are dealt within the same law, Commission approval is required to organize a district, the right of district members to obtain grazing privileges is defined, and the rights of a district with respect to trespassing stock grazing within it are clarified.

Introduced January 26.

Montana. H-126. Mr. Wood.

S-50 Mr. Garrison.

To limit the expenditures of funds received under the Taylor Act to range improvements.

Introduced January 28.

Tennessee. H-496. Mr. Davis.

To enact a general herd law for the state. No liability for injuring livestock on public highways will exist if the stock is there in violation of the proposed law. The bill provides a ten to fifty dollar fine for persons violating the law. The liability of railroads for injury to stock remains unchanged.

Introduced February 8.

INTERSTATE COMPACTS

Connecticut. H. B. 557. Mr. Mitchell.

To create an Interstate Revenue Compacts Authority consisting of the Attorney General (Chairman), Commissioner of Finance, Comptroller and Tax Commissioner, to make a study and analysis of advantages likely to accrue from participation in interstate compacts for uniform tax laws, with authority to confer with other states or agencies and negotiate tentative agreements.

To Committee on Interstate Cooperation February 2.

Illinois. S. B. 62. Mr. Monroe.

To establish the Illinois Commission on Intergovernmental Cooperation to be composed of five members of the Senate, five members of the House, and five members appointed by the Governor, for the purpose of encouraging and assisting in establishing and maintaining contacts with other states, Federal government, and local units of government. The Commission is also to facilitate the adoption of interstate compacts, uniform and reciprocal statutes, and provide for the interchange and clearance of research and information.

To the Executive Committee February 9.

Montana. S. J. Res. 2. Mr. Foor.

To establish a Commission on interstate cooperation to establish and maintain facilities for communication and negotiation between Montana and other states.

Introduced January 8.

South Dakota. S. B. 121. Mr. Henderson.

Compact for joint action by the States of South Dakota, Minnesota, and North Dakota for the regulation of the surface waters of the Red River within the States. This Bill is similar to the one introduced by North Dakota.

Introduced February 6.

Texas. H. B. 511. Mr. Metcalf.

To extend for two years the provisions of the Interstate Compact to conserve oil and gas from September 1, 1937.

To Committee on Interstate Cooperation February 10.

LAND USE

Georgia. H. B. 352. Mr. Cochran.

To accept the provisions of the Soil Conservation and Domestic Allotment Act, designating the Agricultural Extension Service of the University of Georgia as the agency of the State to prepare and administer plans pursuant to the Act.

To Committee on Conservation February 3.

Kansas. H. B. 130. Committee on Agriculture.

To authorize the State Board of Agriculture to adopt rules and regulations to stop and prevent soil drifting. The Board may require any land subject to soil drifting to be plowed, furrowed, or cultivated, as the Board deems necessary. The enforcement of the rules and regulations is made the duty of the Counties. A "soil drifting fund" is to be created in each county to meet the expenses of administering the provisions of the Act. The State Board of Agriculture is authorized to enter into any agreement and to cooperate with the Federal Government or other agencies to carry out the purposes of the Act.

Approved February 8.

North Dakota. S. B. 179. Agriculture and Livestock.

To accept the provisions of the Soil Conservation and Domestic Allotment Act and appoint the Extension Service of the Agricultural College as the agent of the State to formulate and administer plans pursuant to the Act, and accept any funds for use in administering the plans. The agency shall designate five Agricultural Districts as "Communities" for convenience in administering the Act and provide for voluntary associations of agricultural producers within the Communities.

To Agriculture and Livestock Committee February 7.

North Dakota. S. B. 222. Mr. McGillic.

To establish Soil Conservation Districts to provide for the adoption of programs and regulations of land use practices. This Bill is similar to the Standard Act proposed by the Department of Agriculture.

To Committee on Agriculture February 9.

Oregon. S. B. 131. Mr. Kiddie.

To accept the provisions of the Federal Soil Conservation and Domestic Allotment Act and to designate and authorize the Oregon State Agricultural College as the agency of the State to prepare plans in accordance with the provisions of the Act,

submit such plans to the Secretary of Agriculture for approval, and upon approval, administer the plans. The agency is also authorized to accept any funds made available to carry out the plans. An Advisory Board is created to advise the College with regard to carrying out provisions of this Act and the administration of the plans. The Advisory Board shall consist of State Commissioner of Agriculture, ex-officio, and five residents of the State of Oregon, to be selected for their actual farming experience and understanding of agricultural problems, and represent the various agricultural districts of the State.

Introduced January 30.

Tennessee. S. B. 237. Mr. Pope.

To accept the provisions of the Federal Soil Conservation and Domestic Allotment Act and appoint the trustees of the University of Tennessee as the agents of the State to formulate, with the assistance of the Agricultural Extension Service and Experiment Station, plans for soil conservation in accordance with the standards set forth in the Act. Such agents are empowered to administer the plans as approved by the Secretary of Agriculture, and to receive and disburse grants of money made available under the Federal Act.

Approved February 5, Public Acts of 1937, Chapter 44.

Utah. H. B. 164. Mr. Jensen.

To create Soil Conservation Districts. This bill is similar to the Standard Act of the Soil Conservation Service.

To Committee on Agriculture February 9.

Wyoming. H. B. 193. Mr. Anderson.

To accept the provisions of the Soil Conservation and Domestic Allotment Act and designate the University of Wyoming as the agency of the State to formulate and administer plans in accordance with the Act. The University shall provide for a State Advisory Board, the members to be selected from those recommended by the committees of County Associations participating in the Act. The State Commissioner of Agriculture shall be an ex-officio member of the State Advisory Board. The University is authorized to accept all grants of money made pursuant to the Federal Act to carry out the provisions of the approved plans.

Committee No. 8 February 3.

PLANNING

Arkansas. H. B. 363. Mr. Coates.

To authorize the creation of County Planning Boards to plan for the orderly and economic development of counties, including the conservation and better utilization of natural resources and public works.

To Committee on Cities and Towns February 10.

North Dakota. T. B. 232. Messrs. Schauss and Ritter.

To abolish the State Planning Board.

To Committee on State Affairs February 9.

Texas. S. B. 215. Mr. Oneal.

To amend the State Planning Board Act to make it a permanent organization. The Board as now constituted would expire in 1939.

To Committee on State Affairs February 8.

Washington. S. B. 272. Mr. Holt.

Amends 1935 Planning Enabling Act so as to broaden the character of the rural zoning which may be carried out under it, and provides for enforcement. Section 5 is broadened to include county zoning for "agriculture, forestry, grazing, recreation and any appropriate use of land", in addition to the original objects of the Act; and an enforcing officer is provided for. Violations of zoning regulations are declared to be unlawful (Sec. 9-A); and the County Commissioners are given all necessary powers to enforce such regulations (Sec. 11-A). Greater control over building construction is provided (Sec. 6).

To Committee on Judiciary February 2.

PUBLIC LANDS AND FORESTS

Minnesota. H. B. 68. Committee on Public Domain.

Proposing an amendment to the Constitution to provide that any of the public lands of the State, including lands in trust for any purpose, may, with the approval of a commission consisting of the Governor, the Attorney General, and the State Auditor, be exchanged for lands of the United States and other privately owned lands, as the Legislature may provide, and the lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject, and the State shall reserve all mineral and water power rights in lands so transferred to the State.

Approved January 26.

Minnesota. H. B. 600. Mr. Lieske.

Any tract of land of between 5 and 40 acres suitable for forestry protected by the owner or tenants living on or adjacent may be made a woodlot upon approval of an application to the County Board stating kinds of timber to be grown and a contract between the owner and County Board is approved by the Commissioner of Conservation. A tax of 5¢ an acre may be levied on the land but no other taxes or assessments. A yield tax may be levied upon the timber when cut of 10% of full value.

Introduced February 7.

North Dakota. S. C. Res. "P". Mr. Thatcher.

To amend Section 158 of the Constitution to include an additional provision that where purchasers of school lands have been unable to pay for them within twenty years from the date of purchase, the sale contract may be cancelled and a new one made for the balance (including interest) due. The first one-fifth of the resale price may be paid in five equal annual installments, the first to be paid at the execution of the resale contract. Three percent interest will be carried by the resale contract.

The proposed amendment also includes permission to exchange school land for lands of the United States.

To Committee on Judiciary February 8.

Oregon. H. B. 339. Mr. Young.

To establish a County Forest Land Classification Committee. The County Clerk of any county containing forest land may establish such a committee of five, one appointed by the State Board of Forestry, one by the Director of Agriculture Experiment Station, and three by the County Court; one of the latter is required to be the owner of grazing land and another to be owner of forest land. Upon establishment of the committee it shall investigate and study all forest land within the county and determine its suitability for the production of timber, grazing for livestock, or agricultural use. In the event no classification is made under the provisions of this Act within six months after the effective date of the Act, the State Forester shall make such study and classification, which classification shall have the same effect as if made by the committee. The State Board of Forestry and the State Forester shall assist, whenever possible, in the development for grazing or agricultural uses of all forest lands so classified.

Introduced February 4.

South Dakota. H-85. Mr. Lehmann.

Counties, Cities and Towns and independent consolidated, or common school districts are empowered to compromise claims against insolvent banks by accepting "real or personal property at its reasonable value" in settlement of such claims. Settlement can only be made after a public hearing in circuit court at which any person may protest. The property so received can be sold only at public auction and cannot be sold "for less than the amount for which it was appraised". This Bill also legalizes all such settlements heretofore made.

Introduced February 4.

Washington. S. B. 210. Committee on Forestry.

To provide for the acquisition, seeding and administration of lands for State forests with funds derived from the sale of utility bonds to the value of \$300,000.

Introduced February 4.

REAL PROPERTY

Georgia. H. B. 411. Mr. Parker.

To authorize Cities, Towns and Counties to aid in housing projects of housing authorities (State and Federal) by furnishing parks, playgrounds and other improvements, selling, leasing, or dedicating property to the authority or Federal Government; furnishing water, drainage, recreational or educational facilities; planning or zoning the political subdivisions and cooperating in planning the construction or operation of such housing projects.

To Committee on State of Republic February 12.

Indiana. H. B. 54. Mr. Fichhorn.

To regulate and license real estate brokers and salesmen and create a Board of Real Estate Examiners to issue such licenses.

To Judiciary B. Committee January 20.

Missouri. H. B. 179. Mr. Bradley.

To define homesteads which shall be exempt from attachment and execution. Such homesteads may consist of not more than 160 acres of land in rural areas. The head of a family shall be incapable of selling, mortgaging, or alienating the homestead in any manner whatsoever, but not preventing the husband and wife jointly conveying the homestead.

Introduced February 9.

Pennsylvania. H. B. 654. Messrs. Patterson and Ruffennach.

To authorize municipalities and counties to aid housing projects by the furnishing of parks, playgrounds, streets and improvements. Agreements may be entered into for the cost of such improvements and public services and facilities for the benefit of such housing projects.

Committee on Welfare February 8.

Pennsylvania. H. B. 753. Mr. Patterson.

To create housing authorities in cities and counties to be appointed by the governing body upon a finding that conditions warrant the construction of low-cost housing projects. The authorities are to cooperate with State and Federal Housing Authorities.

To Committee on Welfare February 8.

TAXATION

Oregon. H. B. 224. Messrs. Boon and Riddle.

To reassess forest lands for taxation to promote uniformity in valuation and promote private ownership of forest lands.

Introduced February 2.

F. A. HOCKLEY.

